

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

COOPER BACON Plaintiff(s), vs. PACIFICORP Defendant(s).	ORDER FOR SETTLEMENT CONFERENCE Case No: 1:17-CV-4 DB District Judge Dee Benson Settlement Judge David Nuffer
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Pursuant to the order of the district judge this case is set for a settlement conference before the undersigned on Friday, 9/28/2018, from 8:30 a.m. through 5:00 p.m. in the 6th Floor Conference Room Suites (Main Conference Room #6.404) at the U.S. Courthouse, 351 South West Temple, Salt Lake City, UT.

IT IS HEREBY ORDERED:

Participation of Parties: Each party or, in the case of an entity, a representative with full settlement authority, must be physically present and participate in the settlement conference for the entire time period. Counsel must also be present.

Case Status Report: Counsel shall meet and confer and at least fourteen (14) days before the settlement conference, the parties shall deliver an agreed **case status report** directly to the Judge Nuffer at dj.nuffer@utd.uscourts.gov. The agreed case status report shall include the following:

1. A brief statement of the facts of the case;
2. A brief statement of the claims and defenses, i.e., statutory or other grounds upon which the claims are founded, and relief sought;

3. A brief statement of the facts and issues upon which the parties agree and a description of the major issues in dispute; a
4. A summary of relevant proceedings to date including rulings on motions and motions outstanding; and
5. A certification of counsel that all fact discovery has been completed.

Confidential Settlement Conference Statement: At least fourteen (14) days before the settlement conference, each party shall separately send directly to the Judge Nuffer at dj.nuffer@utd.uscourts.gov a **confidential settlement conference statement** including:

1. A forthright evaluation of the party's likelihood of prevailing on the claims and defenses;
2. An estimate of the cost and time to be expended for further discovery, pretrial and trial;
3. Identification of any discrete issues which, if resolved, would aid in the settlement of the case; and
4. The party's position on settlement, including present demands and offers and history of past settlement discussions, offers and demands.

Copies of the **confidential settlement conference statement** shall not be filed with the Clerk of the Court, nor served upon the other parties or counsel. The Court and its personnel shall not permit other parties or counsel to have access to these **confidential settlement conference statements**.

Discussion with Client: In advance of the conference, counsel and clients should fully discuss the case status report, confidential settlement conference statement and settlement considerations.

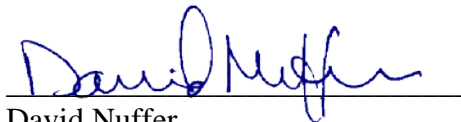
Role of Settlement Judge: The settlement judge will encourage communication among the parties and counsel; assist in identifying areas of agreement and disagreement; encourage resolution of issues; and, if possible, facilitate settlement of the case. The settlement judge will

not order terms or conditions of settlement but may evaluate risks and advantages and recommend terms of settlement.

Confidentiality: No report of proceedings, including any statement made by a party, attorney, or other participants, in the settlement conference may be reported, recorded, placed in evidence, made known to the trial court or jury, or construed for any purpose as an admission unless otherwise discoverable. Pursuant to DUCivR 16-3(d), a written report for the purposes of informing the referring judge whether or not the dispute has been settled is the only permissible communication allowed with regard to the settlement conference. No party will be bound by anything agreed upon or spoken at the conference except as provided in a written settlement agreement. No participant in the settlement conference may be compelled to disclose in writing or otherwise, or to testify in any proceeding, as to information disclosed or representations made during the settlement conference process, except as required by law.

July 2, 2018

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

David Nuffer
U.S. Chief District Judge